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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 087794,970 | 02/03/97 | WHITEHOUSE | C 840.043.002 |

MORRIS E COHEN
LEVISOHN LERNER BERGER & LANGSAM
757 THIRD AVENUE
NEW YORK NY 10017

MM21/0513

EXAMINER

ANDERSON, B

ART UNIT
2878

DATE MAILED: 05/13/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

| | | |
|------------------------------|--------------------------------------|---|
| Office Action Summary | Application No. 08/794,970 | Applicant(s) WHITEHOUSE ET. AL. |
| | Examiner BRUCE ANDERSON | Group Art Unit 2878 |

Responsive to communication(s) filed on May 4, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ONE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 164-259 (RENUMBERED CLAIMS 2-98) is/are pending in the application.

Of the above, claim(s) 164-259 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) _____ is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The timely submission under 37 CFR 1.129(a) filed on 5-04-98 is not fully responsive to the prior Office action because the original claim 1 (claims 2-163 canceled in pre-amendment of 2-5-97) specified that the multipole ion guide begins in one vacuum chamber and extends contiguously into one or more subsequent vacuum chambers ; wherein the new claims submitted in said amendment of 5-05-98, are considered different inventions than what was originally presented for examination. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ex. Anderson whose telephone number is (703) 308-4851.

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BRUCE ANDERSON
PRIMARY EXAMINER
GROUP 2500

Bruce C
Anderson

BCA

May 11, 1998